IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1126 OF 2006

Shri Sudhir Subhash Sinhasane
and Ors. ....Applicants.

V/s

The State of Maharashtra ....Respondent.

Mr. R.V. More for the applicants.
Ms. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 18th March, 2006

P.C.:

1. Heard the learned Counsel for the applicants and

the learned APP for the State.

2. The applicants have an apprehension that a false complaint is likely to be filed against them under the provisions of the Scheduled Castes & Schedule Tribes (Prevention of Atrocities) Act, 1989. The learned counsel appearing on behalf of the applicants candidly admits that according to his information, so far, FIR has not been lodged. The applicant No.1 is the founder and Chairman of Ganpati Peth Vyapari Nagari Sahakari Pat Sanstha and the President of Murga Rajendra Veer Shaiv Lingayat Boarding. He is also an Editor and Publisher of weekly magazine. The other

applicants are working with the said Pat Sanstha. They are also connected with other business activities. It is submitted that the person who is likely to file a complaint was working as a Manager in the Milk Dairy by name Ganpati Dairy which is owned by the applicant No.1. However since the said milk business was not viable business, he decided to stop the business. It is alleged that the complainant requested the applicant No.1 to allow him to continue the said business and also requested that the loan may be advanced through the Pat Sanstha. The applicant No.1, however, informed him that the procedure has to be followed and he has to consult with other directors. Thereafter, certain amounts were paid through the Sanstha to the complainant and the cheque which was issued by the complainant for repayment was dishonoured and, therefore, notice under section 138 of the Negotiable Instruments Act was given. Thereafter, certain allegations were made that the said loan which was given was a bogus loan. It is submitted that the complainant is likely to file false and frivolous complaint against the present applicants and, therefore, the police may be directed to give 72 hours notice to the applicants so that they can take appropriate steps for filing an application for anticipatory bail before the appropriate court.

Considering the nature of averments made in the application and in view of the fact that, according to the applicants, the FIR is not filed so far, in my view, it would be appropriate to direct the respondent to give the applicants 72 hours notice before arresting them on a complaint filed by Shri Gajanan Sukhadeo Dhende in respect of offence under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 or under sections 406, 420, 409 of the Indian Penal Code so that they can take appropriate steps for the purpose of filing an application for anticipatory bail before the appropriate Court.

3. With the above directions, application is disposed of.

V.M. KANADE, J.